



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618
Phone 617-727-0660
Fax 617-727-0665

www.mass.gov/dps

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

Board Meeting – February 10, 2014

21st Floor – Conference Room 1

Present Board Members:

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Myra Berloff, Massachusetts Office on Disability (MB)
- Diane McLeod, Vice Chair (DM)
- Andrew Bedar, Member (AB)

and

- Thomas Hopkins, Executive Director
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Carol Steinberg, Member (CS)

- Meeting began at 9:10 a.m.

1) Incoming: Bowling Center, 6, 13, 19 Uncas Ave., Oaks Bluff (V14-026)

TH - EXHIBIT – variance application

- seeking variance to use a LULA in new construction for cost savings

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DM - grant based on exc. cost without substantial benefit; and on the condition that shop drawings and architectural drawings

AB - second – carries pending one additional

Carol Steinberg, Member (CS) – now present -

2) Incoming: Bowling Center, 6, 13, 19 Uncas Ave., Oaks Bluff (V14-026) – Cont'd
CS – in favor of motion – motion to grant with conditions carries

3) Incoming: Salisbury Public Library, 17 Elm St., Salisbury (V14-019)

TH - EXHIBIT – variance application

- building new library
- seeking a variance for 27.2 regarding uniform treads and risers, proposing curved staircase
- adjacent to elevator and fully compliant stair also provided

CS – grant as proposed

RG – second – carries

4) Discussion: Saus, 33 Union St., Boston (V10-235 & C13-061))

TH - need to extend due to weather

MB – extend to May 15, 2014

DM – second- carries

5) Discussion: Acton Women's Club, 504 Main St., Acton (V11-108)

TH - EXHIBIT – new submittal

- seeking letter of support for seeking grants to two groups

MB – issue two letters requested

DM – second – carries

TH - report of the project

- fundraisers held

CS – accept the status report

AB – second – carries

6) Discussion: Lancaster Community Center, 39 Harvard Rd., Lancaster (V10-085)

TH - EXHIBIT – new submittal regarding elevator construction schedule

- proposed completion by the last week of April/first week of May

MB – accept status report

DM – second – carries

7) Incoming: Quincy Market Place, North Building; Ghirardelli (V13-341) and Chipotle (V13-344), Boston

TH - EXHIBIT – submittal of plans regarding interior layout of the tenant spaces

MB - need to see what is proposed at the second floor entrance for Ghirardelli

MB - accept the use of the common corridor elevator, on the condition that the second floor entrance is consistent with the amenities found at the primary entrance; i.e. provide glass at the second floor entrance and welcoming; photos of completed work and signage at the door; unlocked at the same time that the front entrance is unlocked

DM - second - carries

TH - Chipotle, same issue

MB - accept the use of the common corridor elevator, on the condition that the second floor entrance is consistent with the amenities found at the primary entrance; i.e. provide glass at the second floor entrance and welcoming; photos of completed work and signage at the door; unlocked at the same time that the front entrance is unlocked

DM - second – carries with AB abstaining

8) Discussion: DeLuca's Market, 7-17 Charles St., Boston (V11-232)

TH - EXHIBIT – pictures of most recent site visit

- lift is behind a temporary wall and certified by use, but not letting anyone use it

- where the lift lands in the basement, there is no route to the main portion of the wine cellar

- November 25th decision to shut the wine cellar

- asked by legal department for a chronology of events to back up the closing

- four pages of history

- posted the cease and desist for the basement wine cellar on January 28th

- door hardware was removed, computer was nowhere to be found

- went in and started taking pictures at cease and desist; went in with State Police Lieutenant

- in looking for a computer, asked an employee where the computer was

- employee moved some product and found the computer and the blocked signage

- since that time, been contacted by Jay Livingston and asked TH to meet with Virgil and his attorney

- only appeal at this point in time is to Superior Court

- the orders still stand

MB - the fact that they installed a lift and put it behind a wall seems to be willful noncompliance

CS - and also taking off the auto-openers at the doors and not having the computer available

TH - the auto-openers were an order of the Board

- he closed one door and took hardware off of the other door

CS - it is willful noncompliance

- MB - fines are imposed if there is willful noncompliance
- CS - also decreasing accessibility
- MB - next step would be to schedule a fine hearing
- TH - further investigation with the City of Boston is that he is operating without a certificate of occupancy
 - City cannot issue another temporary CO for the wine cellar since the Board had closed the wine cellar with a cease and desist
 - required signed affidavit in the beginning to verify spending on the tenant space
 - by signing the affidavit, the variance process started and permits were issued by ISD since they were held previously until they worked out the matter with the Board
- MB - sit in public safety to ensure public safety
 - City of Boston ISD has the responsibility to enforce the cease and desist since safety violations are documented and willfully ignored
- WW - temporary CO are issued for a certain amount of time and can easily be renewed
- TH - have not heard back from the City of Boston
- WW - do you want TH to meet with Aiello and his attorney?

MB - no should not have any more meetings with Aiello, not going to negotiate at this point; they understand their obligations and have been guarded thru the process by TH; if they meet with TH then they would consider that the conversation is continuing and there is no option to continue

DM - second

CS - are they ready to go to superior court?

TH - the timeframe for appeal to superior court has most likely expired

WW - all they have to do is comply

DM - the board has issued an order and they need to comply with that order, there is nothing else to discuss

TH - all appeals have expired

MB - understand the State Rep calling on behalf of constituent, but does not have a history of the case

*CS - send a response and enclose all of the decisions with the response
 - carries with CS opposed*

Raymond Glazier, Executive Office on Elder Affairs Designee (RG)

- MB - need to respond to Rep. Livingstone, and make him aware of the vote of the Board

WW - need to talk to Boston ISD to make sure that they are not going to reissue the temporary Cos
- need a response from them

MB - issuing a temporary CO with a noncompliant doorways

CS - staff complaint about decreasing accessibility

MB - willful noncompliance

DM - fine hearing

RG - second - carries

MB - very troubling that we have not heard back from Boston ISD regarding this matter
- if you think that establishing a fine hearing is counter productive

MB - write a letter to ISD and copy to head of ISD and Mayor Walsh; to indicate that the access Board has closed the lower level, removal of required door hardware and auto-openers and has asked ISD to not issue an extension of the temporary CO; need a commitment from them to not issue an additional temporary CO

CS - second – carries

MB - rescind the motion for the fine hearing, since could be counter productive

DM - second – carries

9) Incoming: Dog Grooming Store, 20 Myrtle St., Boston (V14-015)

TH - EXHIBIT – variance application
- one story with basement
- first floor is store with basement
- basement and first floor connected with spiral staircase
- 280 square feet per floor
- over 30%
- seeking variance for the lack of vertical access to the basement
- proposing no access into the store
- slope would be one in twelve, currently slopes to one step
- ramp would go into the space and take up a large amount of space
- lift was estimated to cost \$20,000

WW - lift may be more efficient than using the stairs
- and a temporary ramp out front

TH - why can't they lower the floor?

WW - could be ceiling height issues

TH - can also talk about accommodation policies

CS - are there other dog groomers on Beacon Hill?
- is there another place people can go

CS - *continue to get information about any other accessible dog groomers in the area, and accommodation policy proposal (e.g. door bell, signage)*

MB - *second – and have them answer the question about lowering the floor, cost of staircase versus lift*
- *carries*

10) Incoming: The Works Bakery Café, 48 North Pleasant St., Amherst (V14-014)

TH - EXHIBIT – variance application
- spending \$99,000, and therefore over 30% of the tenant space
- 26.6.3 variance

MB - *grant*

DM - *second – carries*

11) Incoming: New Academic Building, Nichols College, 130 Center Rd., Dudley (V14-013)

TH - EXHIBIT - variance application
- new construction
- 23.3.3 variance, distribution of parking, seeking to not provide drop-off area at the building
- satellite parking areas provided but mainly a walking campus

CS - would like a drop-off area

TH - based on topography, cost and the fact that it is a pedestrian based campus

CS - want to know more before a decision is made

CS - *deny*
- *no second – motion fails*

MB - *based on information provided, pedestrian campus, changing campus if drop-off required, so therefore grant as proposed*

DM - *second – carries with CS opposed*

12) Incoming: Greater Plymouth Center for the Arts, 25 ½ Court St., Plymouth (V14-028)

TH - EXHIBIT – variance application
- over 30%
- appears to be a need for more variances

MB - deny
DM - second – carries

TH - need to contact building department about no issuance of temporary CO

DM - no issuance of building permits and/or CO's
MB - second – carries

13) Incoming: Greenfield Station, 12 Olive St., Greenfield (V14-017) & Northampton Station, Railroad Ave., Northampton (V14-016)

TH - EXHIBITS – variance applications
- both seeking permission to install mini-high platforms at each new station
- platform at one end of the station with a ramp to access one car

MB - deny
RG - second - carries

14) Incoming: Eastover Resort and Hotel, 430 East St., Lenox (V14-012)

TH - EXHIBIT – variance application
- seeking variance for lack of access to the third floor
- have not spent over 30%
- hip roof, so the third floor extension would create head house through the roof
- access to basement thru second floor

CS - grant as proposed
DM - second
MB - advertising indicates that 3rd floor not accessible
- carries

CS not present

15) Incoming: Sink Depth, 45 Stuart St., Boston (V14-018)

TH - EXHIBIT – variance application
- new building
- seeking variance for sink depths
- standard proposal to provide sinks

MB - grant on the condition that sinks provided upon request at no cost, in lease language
DM - second - carries

16) Incoming: Mass. State House, Governors Suite Renovation Project, 24 Beacon St., Boston (V14-022)

TH - EXHIBIT – variance application

- four requests for knobs and hardware, kept open throughout the suite (some historic, but some are recreations); door clearances; handrail issue at the ramp at the West Wing; and maintain existing incline wheelchair lift to War Room
- received letter from Katherine Aldrich of Boston Disability Commission; opposed to recreated door knobs, since not historic
- technically no jurisdiction because of laws in place about State House being exempt

CS now present

MB - appreciate DCAMM doing the “right thing”, but if we don’t have jurisdiction, then I think that we can’t vote on this

- would rather say no jurisdiction

WW - it is situation of full disclosure more than anything else
 - but they did make the effort to submit the application

MB - could say, “thank you for advising us of the project, but at this moment, no jurisdiction”, but also let them know about the opposition from the Boston Commission on Disability

DM - thank you for the courtesy of submitted, but cannot vote on this since there is no jurisdiction by the Board in this matter

MB - second - carries

17) Discussion: Sinclair Building, 52 Church St., Cambridge (V12-055)

TH - EXHIBIT – e-mail from Josh Batty
 - previously scheduled for fine hearing prior to end of the year, but hearing had to be canceled and rescheduled
 - now provided photos of work and repair order copies done by Delta Beckwith
 - just finished the work recently

CS - went to the site a month ago
 - the lift was not open at the exterior
 - house elevators were not open either so had to get private escort

TH - freight elevator in question was converted to create access to the mezzanine level

MB - if exterior lift is locked when a show is scheduled then cannot close this case, need to follow-up

MB - accept the submittal regarding the converted freight elevator; but to continue the case to make sure that the lift is operable when the business is open, and that the elevator is available

AB - second - carries

18) Incoming: Concord Ave. Neighborhood Sidewalks and Curb Cuts, Cambridge (V14-005)

- TH - EXHIBIT –submittal of Phase 3 documents
- variances at 5 tree locations where the path of travel will be greater than 30” at two locations and less than 30” at the other three locations, requiring alternate route around the trees
 - end of block there is signage

MB not present

CS - *grant*
DM - *second - carries*

19) Incoming Discussion: Grace Chapel, 525 Main Street, Watertown (V13-336)

- TH - EXHIBIT- new submittal
- met with architect and pastor on 1/30
 - former church building
 - balcony is used as overflow seating
 - triggering full compliance
 - seeking variance for lack of access to the balcony
 - providing a vertical wheelchair lift to two levels of the church
 - asking for variance for the lack of access to the balcony, seeking additional variances to be submitted

CS - *grant as proposed*
AB - *second – carries*

MB now present

20) Discussion: George Snow Building, 88 Lincoln St., Brockton (V13-274)

- TH - EXHIBIT – follow-up material, plan of areas of rescue assistance at Stair 1

CS - *accept the plan submittal*
DM - *second – carries with AB abstaining*

WW not present, DM as Acting Chair

21) Incoming: Sunken Ship, The Juice Bar, 12 Broad St., Nantucket (V14-027)

- TH - EXHIBIT- variance application
- no partial application, but assuming the jurisdiction is work performed
 - proposing service window for the takeout business
 - trying to alleviate traffic on the sidewalk by creating more space at interior, but up some steps
 - proposing sidewalk level accessible service window with overhang (although they say overhang still requires Selectmen’s approval)

MB - *grant as proposed, on the condition that the awning is approved by the selectmen prior to construction, and buzzer at the first floor service window; for this tenant only*

RG - second – carries

- WW now present and Acting as Chair -

22) Discussion: First Congregational Church, 148 West Main St., Millbury (V10-050)

- TH - EXHIBIT – seeking additional time for the submittal of plans for the kitchen
- seeking until September 1, 2014 to submit a new kitchen solution design
 - previously required kitchen to be completed by March 1, 2014
 - contractor was hired and notified them that plumbing is not provided in compliance with an order of the Board

MB - submit plans of new kitchen by June 1, 2014

CS - second - carries

RG not present; DM not present

23) Incoming: Old Thayer Public Library, 2 JFK Memorial Dr., Braintree (V14-020)

- TH - EXHIBIT – variance application
- renovation of existing library
 - over 30%
 - seeking variance for historic front entrance (25.1); thresholds at existing doors; and 16” at existing pull side at one existing doors (521 CMR 26.6.3)

DM now present

- TH - drawing of what a ramp would look like at the front of the building
- also some threshold pictures

CS - grant the variance for the historic front entrance (25.1) and threshold at the front entrance, on the condition that directional signage provided

AB - second – carries

- CS - other threshold issue areas
- what about handrails front entrance

TH - being replaced

- MB - clearance of 16” instead of 18”

MB - grant door clearance variance

CS - second – carries

- CS - three doorways at the first floor 1.5” thresholds
- one to meeting room 2, one to meeting room 3, and one to the janitors closet

CS - *grant the variance for the threshold to the janitor's closet*

MB - *second – carries*

CS - *grant the two remaining thresholds*

DM - *carries with MB opposed*

RG now present

24) Discussion: Littleton Pub, 486 King St., Littleton (V13-324)

TH - EXHIBIT – site visit report

- on December 16, 2013 voted to hold site visit and hold liquor license

- site visit was done on January 15, 2014

- toilet room was 73” by 88”, as opposed by 72” by 90”

CS - *grant*

DM - *second – carries*

TH - 6” missing at wide side of the toilet, 36” provided instead of 42”

MB - *deny the variance request, require moving the sink*

DM - *second – carries*

TH - five things discovered at the site visit that were proposed to be fixed by today (outlined in report)

- two side-by-side tenant spaces, stairs between the adjoining spaces (ramp or lift required)

- outside the sidewalks are ramped between the two entrances

- slope of the ramps are 3.5%, 6.5% 12.1% and 9.3%; covered ramp

- sub & pizza shop at one side, pub at other side

- nosings on the stairs between the space do not comply; proposing to comply by creating new compliant stairs between the two spaces

- a ramp would create loss of 8 tables

- clarify: ramp will reduce to 8 seats, and will reduce seating by 1/3

MB - *grant relief for the interior change in level, provided that there is confirmation that the stairs have been brought into compliance, submitted by February 21, 2014; and on the condition that the exterior path of travel is brought into full compliance by June 1, 2014*

DM - *second – carries*

MB - *confirmation that the all of the previously agreed upon noncompliant issues have been rectified by February 21, 2014*

AB - *second – carries*

MB - *expedite*

DM - *second - carries*

25) Discussion: Canoe Club Ballroom, 2 South St., West Bridgewater (V13-282, C12-086)

- TH - Canoe Club was scheduled for 11 a.m.
- on December 10, 2013, received letter from attorney that had been dealing with the case was leaving the case for a judge ship
- sought extension of the hearing on January 31st, submitted by new attorney
- need to make-up the hearing as quickly as possible
- meeting with the attorney as soon as possible

CS - *meet with the Petitioners and their attorney and if necessary reschedule the hearing*

RG - *second- carries*

26) Discussion: Cases of the day

- CS - don't like the lack of vertical access
- segregation of students by the lack of access

- MB - MOU in place for Tufts
- excessive cost without substantial benefit argument

- CS - \$560,000 for elevator
- loss of 15 beds

- RG - 8 stops for an elevator

- CS - loss of beds cost to the project

- TH - common areas at upper floors? Bathrooms?
- what are they spending on the building?
CS - 2 million, building is valued at 6 million

- MB - how many rooms in the building as a total
- are they putting more than the number of rooms

- CS - two apartment style suites

- MB - in combination with the agreement that we have, too many accessible rooms in close proximity that makes it feel like segregation

- RG - 104 rooms all together

- MB - and 8 of the accessible rooms are in one wing

- WW - but can't have disbursement without some form of vertical access

TH - MOU was very specific to amount of accessible rooms per building

MB - okay, but then would like the accessible rooms disbursed

CS - what was the issue with Eastman Street?

AB - size of the platform

CS - 36" by 51" inches proposed instead of 36" of 54"

MB - the lift was never installed

- were granted a variance for the smaller lift, but it never was put in

27) Discussion: Isabella Stewart Gardner Museum, 280 Fenway & 25 Evans Way, Boston (V11-147, and C12-031 & V12-189)

TH - EXHIBIT – email from James LaBeck

- looked at opening and historically it was an arched entrance

CS - *accept the submitted status update*

MB - *second – carries*

28) Discussion: Elements (aka AMC Fitness), 100 Washington St., Canton (V14-001)

CS - does not think that it is that difficult to get into the sauna

- may need a site visit

MB - *reopen*

CS - *second – carries*

CS - *schedule a site visit to check the sauna dimensions*

MB - *second - carries*

29) Hearing: Hogdon Hall, Tufts University, 100 Talbot Avenue, Somerville (V13-312)

WW - called to order at 1 p.m.

- introduce the Board

Timothy Smith, Architect for Tufts (TS)

Rudi Pizzi, Tufts University Representative (RP)

WW - both sworn in

- EXHIBIT 1 – AAB1-35

DM - due to the fact that I sit on a Board at Tufts University, will not be returning

No more DM

TS - two different wings, Wing A and Wing B, always one half level above each other

WW - new member present needs to sign in and be sworn in

Emmanuel Andrade, Somerville Commission on Disability (EA)

WW - EA sworn in

TS - all lounges are located at first floor
- exceeded 30% rule
- seeking a variance for relief from putting in an elevator, would require 8 stops
- only location that can serve all levels is located adjacent to an existing stair
- making the entire first floor accessible
- study rooms, multipurpose lounges, health room, and 8 rooms on the first floor will be accessible, meeting the 8 rooms required under the MOU
- also accessible laundry and bathroom provided
- outdoor terrace will also be made accessible
- some other variances requested
- 1.3 million to create the new 8 stop elevator
- will also lose 2,125 square feet of program space and 15 student bed (times tuition of approximately \$50,000 per year is a significant loss of income)
- 1.3 million also includes the need to replace doors and create accessible facilities at each floor (AAB34)

WW - EA address the Board or wait for questions from the Board

EA - will wait for questions from the Board

CS - think that there is a substantial benefit to having access to the upper floors
- interested in the cost issue
- 1.3 million is not only for the elevator
- according to AAB34, the cost of the 8 stop elevator is \$560,000.00
- both break downs also include addition of access at toilet rooms and for room conversions at upper floors

TS - yes

- loss of space

TS - \$50,000 per bed, so loss would be \$50,000 times 15 beds

RP - the loss of cost would be significant

CS - those 15 beds can't be located anywhere else?

RP - no, all space is taken up

RP - if you make the floor accessible, then would make the bathrooms accessible

- CS - not necessarily correct
- could just be providing access to the floors
- TS - but would have to get into the rooms and all the doors into the upper floor rooms are only 26.5-28 inches wide
- wouldn't want to put in an elevator and not have the floor accessible
- CS - doorways may be only issue
- AB - breakdown regarding \$70,000 per stop seems a bit high
- TS - probably reflects foundations, not just the elevator, but also the structure upgrades
- included in the cost estimates
- AB - proposed location is the best the location
- TS - pretty much the only option to meet each floor
- MB - never occurred to me that when talked about dispersion of rooms that there would be 8 rooms in one wing
- MOU is met, but unsure if the spirit of the MOU is met
- it is troubling to have the rooms be segregated to one wing of the building
- multipurpose room, what is above?
- TS - nothing, just the roof of the room
- MB - is there a way to create access up to the half level, to at least have one full floor (floor and half a floor) to create access to both sides of the building
- understand the lack of access to the upper floors, but not all or nothing
- need to look at the installation of lift to create access to the second level
- would like to see Tufts go back and propose not a fully compliant building, but something a little
- RG - agrees with comments made already, thinks what is missing is consideration of what student life is all about within the dorm
- RP - trying to comply with what is in the best interest of anybody
- even splitting four rooms to the other side would not be beneficial based on the overall MOU agreement for rooms provided
- MB - don't remember how the rooms are dispersed throughout campus
- TS - variety to supply in MOU at different locations and in different locations
- RP - did not discuss the room locations
- MB - was part of the MOU discussions, and know that this was not part of the proposal
- EA - trained as an architect and the member of the Disability Commission
- Commission recognizes the efforts of Tufts to make the campus more accessible
- this feels like segregation

- this scheme has lots of good things, but the segregation of the eight students to the one wing is clear
- trying to find a compromise, renovate the first floor and provide full access at the first floor, and then provide a lift to the upper levels
- perhaps put foundation for installation of elevator and then in a couple of years, install the elevator and then make the required renovations
- Commission would like to see the work done to plan for the future installation of an elevator
- provide a lift for now to create access to the first couple of levels

RP - not sure if the building is going to be there in 25 years, somewhere down the line, may be more financially significant to build a new energy-efficient and fully accessible building

- there are other venues that have full access
- 57 accessible rooms currently provided
- none at this point are being utilized
- wondering if we should put money into the building for a short term fix
- there are a number of buildings that may not be feasible to keep based on building envelop accessibility and energy efficiency

WW - maybe go back and redesign something that is a little bit better than the current design

- showing the disbursement of the rooms
- and long range plans for the building

RP - so would like us to go back for a more compromised solution; not full access, but maybe partial access to the first couple of floors

WW - need to know best option for now

- it will depend on overall picture of the building

CS - are all doors other than in this wing are 26"

TS - there are no other doors within the building that are 36"; they are all 28", and no other accessible bathrooms

CS - have you looked into the possibility of the LULA?

TS - yes, but it is the problem with the wings and the central core

- not even sure that we can put a lift in without substantial work required

TS - what about reducing the amount of beds to four beds

MB - cannot go back into the MOU conversation

- when talked about 8 beds in one building, didn't think that it would be all accessible rooms in one location of the building

- can a single user bathroom be provided?

TS - yes, but would create loss of beds

- very tight plans

RP - looking at some changes, could provide 8 rooms in another location next year
TS - the principle issue is the elevator issue and ties to the other variances requested

CS - food sales?

TS - lower level is a “grab and go” and a catering kitchen
- it’s a different function
- it is accessible unto itself

MB - 22.3 variance request for asphalt pave path

TS - would require ramp for this portion of the walkway, this area is greater than 5%
- there is a handrail on that section of the walkway
- what is the percentage of that section of the walkway

TS - about 2% steeper
- so 7%

MB - based on the testimony that this section of the walkway is 7% instead of the required 5%, grant the variance for the slope of that existing walkway

CS - second – carries

RP - if we go up the half level, need to make that whole level accessible

TS - another reason that we thought that the lift concept was not practical in this building
- have to use the lift to access everything
- maintenance of the lift, not designed to be used as often for multiple uses every day
- may lose rooms to make room for the installation of a lift

CS - concern with visitability
- lift breaking down seems worse than segregation

MB - mail room, is there a 5 foot turning in that room

TS - it’s a locked secured space; the mailboxes face out
- the mail person loads the boxes from the exterior

CS - accept the proposed plan and grant the remaining variances
- no second – motion fails

AB - would like them to look at the project one more time

MB - continue to have the Petitioners review the project again to have them submit plans for more access than just to that one wing; submit proposal

TS - looked at every possible location for an elevator; can’t do it without substantial loss of rooms

RP - would be a hard sell to the university to lose rooms

- MB* - in the wing with the accessible rooms, inaccessible bathroom and one single-user accessible bathroom
- TS* - two additional public bathrooms next to the vending area; only one bathroom required for the 8 accessible rooms
- MB* - submit to the Board by February 21, 2014
- AB* - second – carries
- AB* - provide detailed breakdown for the elevator cost, submitted by February 21, 2014
- CS* - second – carries
- MB* - expedite
- RG* - second – carries

30) Incoming: Dolce and Gabbana, 11 Newbury St., Boston (V14-023)

- TH - EXHIBIT – variance application
- tenant space fit out
 - two-floor tenant space
 - seeking a variance to install a LULA between the two floors of the tenant space
 - no partial application provided by the code consultant, contacted him to submit more information
 - no confirmation that the information was given to other parties concerned
 - have to continue to have verification submitted to the parties concerned
- MB* - continue to confirm that other parties were copied with the new submittal
- RG* - second - carries

31) Advisory Opinion: Proposed Church Use, Factory Building, 960 Turnpike Street, Canton

- TH - spoken many times with the tenant and the tenants architect
- ramp is feasible at the front of the building, but proposing lift at the rear of the building
 - is a variance required?
- CS* - cannot do this work without a variance
- AB* - second – carries

32) Incoming: Citizen's Bank, 426 Boylston St., Boston (V14-025)

- TH - EXHIBIT – variance application
- ground floor bank renovation
 - minimal slope deviations, one inside and one outside; both auto-openers
- MB* - grant
- RG* - second - carries

33) Incoming: Bricco Salumeria and Pasta Shoppe, 11 Board Alley, Boston (V14-003)

- TH - EXHIBIT – variance application

- met with Domenic Valente about the case, needed more pictures of the project and an analysis of the jurisdiction
- need a hearing

CS - *schedule a hearing*

AB - *second – carries*

34) Discussion: Cunard Building, 120-126 State St., Boston (V13-265)

- TH - EXHIBIT – new submittal from architect
- plan for two retail spaces, lift into each of the retail spaces
 - affidavit from public consulting group space at the second floor

AB - *accept the affidavit and the color coded plan and have them recorded with the Local Registry of Deeds with book and page copy returned to the Board within 60 days, for this use only*

CS - *second – carries*

CS - *accept the submitted , and a compliant vertical wheelchair lift, as a means of access to the tenant spaces, installed and inspected prior to the issuance of CO and on the condition that the lift is open and available during business hours of the tenant space*

AB - *second – carries*

35) Discussion: Town Hall, 59 Main St., Hatfield (V13-136)

- TH - EXHIBIT – new submittal from Town
- seeking more time to put the handrails at the existing stairs
 - now seeking until August 31, 2014 pending Town approval at Town Meeting vote
 - this is troubling that they are piece-mailing this accessibility project, and they are voting on access

MB - *handrails be installed by June 1, 2014*

RG - *second – carries*

36) Incoming: Lynn Manufacturing, 402 Boston St., Lynn (V14-024)

- TH - EXHIBIT – variance application
- seeking no access to the second floor
 - submittal of affidavit with floor plans
 - two floors proposed to use by business

- MB - sample closet at second floor?
- what are they manufacturing?
 - are they open to the public at the second floor

- TH - according to the affidavit, yes they are

CS - *hearing*

AB - *second – carries*

37) Incoming: Condo Units 215-219, 101 Main St., Medford (V13-342)

- TH - EXHIBIT – variance application
- all medical offices after renovation work completed
 - work will be over 30% of the value of the condos
 - 13.13 all public toilet rooms
 - seeking to create larger medical office suite
 - existing office suite contains 3 inaccessible toilet rooms located within exam rooms, and one common area accessible toilet room
 - proposing new accessible toilet room between two exam rooms, and an exam room connected to the existing accessible toilet room
 - three exam rooms will have a connected accessible toilet room
 - all exam rooms are the same use, will be scheduled accordingly
 - also single user accessible men's and women's toilet rooms at the common area

- CS - signage?
- KS - all common use toilet rooms are accessible

- MB - need a strong policy about scheduling for accessible exam rooms
- patients with mobility impairments will be assigned to accessible exam rooms

MB - grant the variance, on the condition that a written policy is in place that patients with mobility impairments will be assigned to the accessible exam rooms

CS - second- carries

38) Discussion: Shaker Village, Trustees Office, 1843 West Housatonic St., Pittsfield (V11-161)

- TH - EXHIBIT – new submittal from Petitioners
- proposing AmRamp to create access

MB - continue the matter until we receive verification that all parties concerned have been given a copy of the latest proposal; require response from parties regarding the proposed ramp

AB - second – carries

39) Incoming: Bostik Incorporated, 211 Boston St., Middleton (V14-021)

- TH - EXHIBIT – variance application
- change in use at second floor
 - spent \$45-60,000
 - seeking variance for the lack of vertical access to the second floor

CS - continue about more information about the routes to the spaces and the toilet rooms, as well as entrance and parking routes

MB - second - carries

CS - more information about the use of the building and copy of policy about accommodating people at the first floor

AB - second – carries

40) Discussion: Kitchen and Bath Store, 134 Mystic Ave., Medford (V11-246 & V13-135)

- TH - EXHIBIT – pictures of work done
- shows fixed flush valve and grab bars, and removal of the barrel at the top of the ramp

MB - accept the photos, case closed

CS - second – carries

41) Discussion: South Bay House of Correction, 20 Bradstun Street, Boston (V11-104)

- TH - granted a time variance to allow compliance with 521 CMR, on the condition that study submitted to the Board by 12/31/11
- submitted a new variance application in 2013, so got a separate variance application
- so this submittal was submitted in 2013, was required to be submitted in 2011
- there are a number of buildings on the property
- Building #1, women's accessible stall, proposing stall layout with reduced approach width of 32.5 inches instead of required 40 inches

MB - grant as proposed

AB - second – carries

- TH - Building #1, 30.7.2, women's accessible stall
- women's accessible stall water closet, 18 3/8 inches

MB - grant as proposed

AB - second – carries

- TH - Building #1, 30.7.3, women's accessible stall
- women's accessible stall
- seat is 19 ½ high

MB - grant

AB - Second – carries

- TH - Building #1, 30.7.2, men's accessible stall
- 17 ½ provided, 18 required

MB - grant

AB - second – carries

- TH - Building #1, 30.7.3, men's accessible stall

- 19 ½ inches high

MB - grant

AB - second – carries

TH - Building #3, 30.7.1, unisex accessible toilet room
- existing corner column reduced overall width to 71 ¼ inches

MB - grant

AB - second – carries

TH - Building #3, 30.7.2, unisex accessible toilet room
- 17 inches to nearest sidewall instead of 18

MB - grant

AB - second - carries

42) Incoming: Inn at Crystal Cove, 600 Shirley Street, Winthrop (C13-062 & V14-009)

TH - EXHIBIT – variance application
- three-story hotel building
- complaint filed by an outgoing tenant
- spent \$224,400 in 3 year period, so over 30%
- cited building owner in first notice in 2013
- variance was promised by January 10, 2014 in November of 2013
- seeking 3 variances
- they are fixing three items by April 1, 2014 (parking spaces, lift to the pool, additional parking spaces)
- some things found as compliant
- dismissed complaint regarding spiral stair
- seeking variance for 25.1, for rear entrance which leads to common kitchen, front entrance is accessible

MB - why is there an exterior entrance, as opposed to only access from the interior?
- what is the use

TH - kitchen is open for use by tenants of rooms without a kitchen, with a very small table to seat four provided
- additional internal and external dining space provided

CS - would like to know the route to the kitchen space from the interior

MB - grant the variance for the lack of access to the rear entrance

AB - second – carries with CS opposed

TH - variance for the lack of vertical access to the upper levels

- the count requires one accessible room, which is provided at the first floor
- upper floors are common area bathrooms, some rooms have their own kitchen and bathrooms at the building

MB - does the accessible room at the first floor have a kitchen?

TH - yes

- comparable to the best amenities provided?

TH - don't have the breakdown of the accessible room

- single accessible unit that is brought into compliance with 521 CMR

CS - *grant as proposed*

AB - *second – carries*

CS - *on the condition that the accessible room has the same amenities as rooms at the upper floors, and pictures of the room*

AB - *second – carries*

TH - 29.2.3, interior common area at the first floor and hall to the corridor to the kitchen has stairs

- there is an accessible route to the common area

MB - *deny the lack of access at the corridor*

CS - *second – carries*

43) Incoming Discussion: Arrowhead Museum, 70 Holmes Rd., Pittsfield (V13-316)

TH - continued for more information during initial review on December 6, 2013

-on January 27, 2014 got an email from June Hailer stating the Commissions opposition to the proposed plans

- only spending \$7,000 on entrance, when \$100,000 was stated on the application

CS - *schedule a hearing*

AB - *second-*

MB - *need to bring documentation from Assessor's Office and Building Department regarding value of building and permits from building department*

- *carries*

44) Hearing: 46 Eastman St., Easton (V10-174)

WW - called to order at 3:38 p.m., scheduled for 2 p.m.

- introduce the Board

MB - seems that there is a statement that the building is shuttered and not open to the public

TH - building was ordered to be brought into compliance and lift installed

- should have fine hearing

- Notice of Hearing was received and verified by return of receipt of notice

MB - schedule a fine hearing

AB - second – carries

45) Advisory Opinion: BMC (Berkshire Medical Center), Lenox Commons

- TH - request for opinion from Bill Thornton, Lenox Building Commissioner
- landing slopes up to the door
 - architect is arguing that the slope up to the door is a curb cut

MB - reaffirm that this path of travel up to the door is a ramp and is required to have handrails and needs a variance for the lack of level landing at the door

AB - second – carries

46) Discussion: First Congregational Church, Parish of Truro, Truro

- TH - spending over 30% on deferred maintenance
- in a 3 year period will be well over 30%
 - variance will be submitted shortly
 - 10 different variance requests
 - schedule a hearing right away and skip incoming case

CS - schedule hearing right away

AB - second – carries

47) Discussion: Nite Owl Diner, 1680 Pleasant St., Fall River (V13-241)

- TH - EXHIBIT – submittal of affidavit
- affidavit states that did not spend over the 30% threshold
 - \$10,000 quoted in cover sheet for hearing was from conversation over the phone with building owner

CS - provide detailed invoices for all work done, as well as copies of all building permits received; reinforce requirement for submittal of ramp plans

RG - second – carries

48) Advisory Opinion: DCU Center, Worcester

- TH - bar room with a window overlooking the assembly area
- there is a shelf with a height of 42", so would have to lower counter height to comply
 - Scott Ricker wants to file a complaint about the window height
 - they could cite counter height, but cannot lower the window

WW - can't buy a ticket for that window to view the show

TH - shade goes across window, so probably blocked during performances

MB - based on the facts as presented to us, no jurisdiction over the height of the glass, but a portion of the shelf could be lowered to compliant height

RG - second – carries

49) Incoming Discussion: The Batch Yard, 1 and 2 Bowdoin Street and 25 Charlton St., Everett

TH - EXHIBIT – variance application

- 300 unit, new building

- came in June

- sent out notice that application was incomplete and could not be heard so sent back out to the

Petitioners

- Notice of Action to deny the variance application send on December 19, 2013

- told Petitioners what was needed, and have not returned any of the required documentation

- can try to contact them one more time

CS - *contact the building department and tell him that there are outstanding issues at this project, which the owner has not moved in an expeditious fashion to resolve*

RG - second – carries

50) Discussion: Submittal of Affidavit, 161 West Main Street, Georgetown – Gienapp Design

TH - submitted affidavit that this is new construction; architect office at the basement level; daycare at the first floor

- affidavit and color-coded plans

MB - *record affidavit and plan registered with the local registry, and copy of recording sent to the Board; for this use only; basement cannot be used by the public;*

RG - second - carries

51) Discussion: Meeting Minutes and Decisions from 1/27/14

CS - *accept the meeting minutes and decisions, with proposed changes*

AB - second - carries

- End of Meeting -